

**REMARKS**

Claims 1-6 are pending in this application. By this Amendment, claims 1 and 5 are amended. No new matter has been added.

For at least the following reasons, Applicants submit that this Application is in condition for allowance. Favorable reconsideration is respectfully requested.

**I. Election/Restriction**

Item II of the Office Action requires restriction between Groups I, claims 1, 2, 5 and 6, and Group II, claims 3 and 4. Confirming the April 17, 2003 election made with traverse to prosecute invention of Group I, claims 1, 2, 5 and 6, Applicants respectfully request withdrawal of the restriction as the substantive matter of all claims 1-6 is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "If the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions." (emphasis added). It is respectfully submitted that this policy should apply in the present Application in order to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

**II. Reply to Rejections**

On page 4, item 7 of the Office Action, claims 1, 2, 5 and 6 are rejected under 35 U.S.C. §101 as being directed to both an apparatus and a method. The rejection is respectfully traversed.

Claims 1, 2, 5 and 6 are an apparatus claim. In claim 1, specific structure such as a cleaning gas feeder, a lower plate and introduction holes are recited. In claim 5, specific

structure such as a cleaning gas feeder, and a introduction holes are recited. Applicants respectfully submit that one of ordinary skill in the art would readily understand claims 1, 2, 5 and 6 as apparatus claims with sufficient recited structure to clearly identify them as apparatus claims. However, the functional language gives life to the claims and identifies relationships. Thus, there is no question what is claimed and all language must be considered. Further, this is the third Action in this matter and if such a rejection was relevant, it should have occurred in the first Action. The claims obviously were understood through two Actions.

Withdrawal of the rejection of claims 1, 2, 5 and 6 is respectfully requested.

On page 4, item 9 of the Office Action, claims 1, 2, 5 and 6 are rejected under 35 U.S.C. §112, second paragraph as indefinite. As discussed above, claims 1, 2, 5 and 6 are apparatus claims that recite sufficient structure to allow one of ordinary skill in the art to understand the full scope of the apparatus. Therefore, withdrawal of the rejection is respectfully requested.

On page 5, item 11 of the Office Action, claims 1, 2, 5 and 6 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,648,276 to Hara et al. (hereinafter "Hara"), in view of U.S. Publication 2002-0129902A1 to Babayan et al. (hereinafter "Babayan"). The rejection is respectfully traversed.

Firstly, Babayan has not been cited in a form PTO-892. It is requested, if Babayan is to be applied, be properly cited.

Neither Hara, nor Babayan, nor their combination discloses a CVD system with a cleaning gas feeder provided to the plasma generator, wherein the film is deposited on the substrate within the same chamber as the substrate is not moved, as recited in claims 1 and 5.

Hara discloses a pre-cleaned glass wafer 1 that has been previously ultrasonically cleaned (See column 7, line 55, column 8, lines 48-58, column 13, lines 10-20). That is, Hara

merely discloses that the pre-cleaned glass wafer 1 is introduced, rather than having a CVD system with a cleaning gas feeder to clean the substrate, as recited in claims 1 and 5, nor is the film deposited on the substrate within the same chamber as the substrate is not moved. Babayan fails to overcome this deficiency in Hara. Consequently, neither Hara, nor Babayan, nor their combination discloses all of the recited features of claims 1 and 5 and claims 1 and 5 are patentable over the applied references. Claims 2 and 6, which depend from claim 1, are likewise distinguishable over the applied references for at least the reasons discussed above and for the additional features they recite. Withdrawal of the rejection of claims 1, 2, 5 and 6 is respectfully requested.

### **III. Conclusion**

For the reasons stated above, Applicants submit that this Application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 5 and 6 is respectfully requested.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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